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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,732	07/10/2001	Hiroyuki Shimizu	450100-03336	8480

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EXAMINER

DAS, CHAMELI

ART UNIT PAPER NUMBER

2122

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,732

Applicant(s)

SHIMIZU ET AL.

Examiner

CHAMELI C DAS

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-21 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-12, 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yotsukura, (US 6,560,771) further in view of Kawamura, (US 6,662,207).

3. As per claims 1, 11, 12, Yotsukura (6,560,771) discloses:
 - an information processing apparatus (abstract)
 - recording controlling means for controlling ... information processing program (col 5, lines 1-11)
 - first providing means for providing information ... information processing program (col 4, lines 12-20), where "output unit" is the means for providing information about the development of information processing program.

Yotsukura does not specifically disclose judging means for judging ... function normally. However Kawamura discloses judging means for judging ... function

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normally (Kawamura col 6, lines 45-65, col 43, lines 30-35, col 37, lines 63-66 and col 38, lines 1-5). The modification would be obvious because one of the ordinary skill in the art would be motivated to improve the development of a information processing system.

For claims 16-21, see the rejections of claim 1 above.

For claim 2, (Yotsukura, Abstract).

As per claim 3, (Kawamura col 6, lines 45-65, col 43, lines 30-35, col 37, lines 63-66 and col 38, lines 1-5)

For claim 4, (Kawamura, col 6, lines 45-65, col 18, lines 12-20, col 20, lines 14-21, col 37, lines 63-66 and col 38, lines 1-5)

For claim 5, (Kawamura, col 20, lines 15-30).

For claim 6, (Kawamura, col 9, lines 47-55, col 10, lines 47-65, col 11, lines 20-25, col 20, lines 14-24).

For claim 9, (Kawamura, col 29, lines 25-35) and (col 47, lines 55-60), where response to the type of hardware inherently including indicative of hardware compatible as claimed.

For claim 10, (Kawamura, col 45, lines 46-54).

4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yotsukura, (US 6,560,771 further in view of Kawamura,(US 6,662,207) and Microsoft Press Computer Dictionary, Third Edition, published on 1997.

For claim 7, kawamura discloses delivers data (col 20, lines 15-25). Kawamura does not specifically disclose *electronic mail*. However, Microsoft Dictionary discloses electronic mail (Dictionary, page 173, see email). The modification would be obvious because one of the ordinary skill in the art would be motivated to exchange of text message or computer files over a communication network, usually between computers or terminals.

For claim 8, kawamura discloses delivers data (col 20, lines 15-25). Kawamura does not specifically disclose *banner advertisement*. However, Microsoft Dictionary discloses *banner advertisement* (Dictionary, page 43, see banner). The modification would be obvious because the banner contains a link to the advertiser's Web site.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the

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United States and was published under Article 21(2) of such treaty in the English language.

A person shall be entitled to a patent unless –

6. Claims 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Yotsukura, US 6,560,771.

For claim 13-15 (Yotsukura, abstract, col 5, lines 1-11, col 4, lines 12-20, col 3, lines 31-50, col 4, lines 54-67).

Conclusion

7. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Apparatus for dynamically collecting and editing management information during a software development process, US 5535388 A

TITLE: Apparatus for supporting development of information processing system, US 5860005 A

TITLE: Information processing apparatus, information processing method, and computer-readable storage medium storing program for controlling the same, US 6570669 B1

TITLE: Flash memory control method and information processing system therewith, US 6078520 A

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TITLE: Information processing system having a CPU for controlling access timings of separate memory and I/O buses, US 6065132 A

TITLE: Apparatus for dynamically collecting and editing management information during a software development process, US 5535388 A

TITLE: Method of generating a source program from inputted schematic information, US 4831525 A

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group is (703) 872-9306.

After October 25, 2004, the examiner can be reached at new telephone number (571) 272-3696, and the examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

Chameli Das
CHAMELI DAS
PRIMARY EXAMINER

9/24/04